

ORIGINAL

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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Federal Communications Commission
Office of the Secretary

In the Matter of)
)
Review of the Commission's Program) MB Docket No. 07-198
Access Rules and Examination of)
Programming Tying Arrangements)

MOTION FOR EXTENSION OF TIME

Viacom Inc., on behalf of MTV Networks and Black Entertainment Television LLC (collectively, "Viacom") and pursuant to Section 1.46(b) of the Commission's rules,¹ respectfully requests a forty-five (45) day extension of time for all interested parties to file comments in the above-captioned proceeding.² Comments are currently due on November 30, 2007 with reply comments due on December 17, 2007.³ Viacom submits that an extension of the comment deadline will ensure that the Commission receives more complete and informed responses to the issues raised in this rulemaking proceeding.

An extension is warranted in this instance given the complexity of the issues raised relative to the short comment cycle established by the Commission. Moreover, because this is the first time the Commission has addressed the issue of wholesale bundling in the video

¹ 47 C.F.R. § 1.46(b) (2006).

² *In re Implementation of the Cable Television Consumer Protection and Competition Act of 1992 – Development of Competition and Diversity in Video Programming Distribution: Section 628(c)(5) of the Communications Act: Sunset of Exclusive Contract Prohibition; Review of the Commission's Program Access Rules and Examination of Programming Tying Arrangements*, Report and Order and Notice of Proposed Rulemaking, MB Docket Nos. 07-29 and 07-198 (rel. Oct. 1, 2007) ("Notice").

³ The Notice provided that comments and reply comments would be due 30 days and 45 days, respectively, after the date of publication in the Federal Register. Federal Register publication occurred on October 31, 2007.

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programming marketplace, parties will need additional time to, among other things, compile and analyze a wide variety of relevant industry data responsive to the issues raised. An extension of time will permit all interested parties a meaningful opportunity to gather sufficient information and perform necessary analyses to ensure that a comprehensive and complete record is created for the Commission's consideration. In particular, Viacom requests additional time to enable it to retain an economist to prepare an expert study regarding the sales practices of video programming networks.

Further, Viacom also seeks an extension of time due to the recent class action lawsuit filed against Viacom and other major multi-channel video program distributors in the Central District of California regarding the existing practice whereby cable and satellite television providers offer customers bundled and tiered programming packages.⁴ Because the issues under considerations in the Commission's *Notice* are so closely related to the class action suit, Viacom's comments will necessarily have direct bearing on the case. Viacom requests additional time to ensure that a coordinated and comprehensive response can be prepared to both the Commission's *Notice* and in defense of the present legal action.

Grant of the requested extension will not cause any harm or prejudice to the Commission, any interested party or members of the public. Accordingly, for the reasons stated herein, Viacom respectfully requests that the Commission grant its motion for an extension of time until January 14, 2007, for interested parties to file comments in response to the *Notice*.

⁴ Brantley, Cooke, et. al. v. NBC Universal, Inc. Viacom Inc., et al., CV07 - 06101, (Cal. C.D. filed Sept. 20, 2007).

Respectfully submitted,

VIACOM INC.

On behalf of
MTV Networks &
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